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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,756	10/28/1999	TAKESHI ITO	SCEI16.549	5059

26304 7590 12/22/2003

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NEW YORK, NY 10022-2585

EXAMINER
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MILLER, MARTIN E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/428,756

Applicant(s)

ITO, TAKESHI

Examiner

Martin Miller

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE files Oct. 01, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 1, 2003 has been entered.

### ***Response to Amendment***

2. The amendment filed October 1, 2003 has been entered into the record; accordingly, claims 1-4 and 13 have been canceled. Claims 5, 7, 9, 11 have been amended.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 5-12, 14-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 5-12, 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaum, US 5959717.

Of these claims independent claim 9 is the most detailed and will be addressed, independent claims 5, 7, and 11 merely recite broader limitations of claim 9.

As per claim 9, Chaum teaches:

Art Unit: 2623

an image data encoding means that encodes, each unit time, the color of part or all of a moving image based on digital data that is input and generates image data (figure 3, elements 34 and 38, col. 8, ll. 17-30); and

a transmission means that transmits said image data (col. 11, ll. 10-15) ;

and said data receiver including

a reception means that receives image data (figure 4, video source from camera 46, col. 11, ll. 19-20),

a display means that displays a moving image based on image data (figure 4, screen 32);

a light sensing means that senses a part or all of the moving image displayed on said display means, said light sensing means having a display assembled therein (figure 4, camera, element 46, cameras have on-board view screens or viewfinders that provide the image to user and the motivation to have an on-board view screens or viewfinder would be to insure that the camera is properly aligned or located to so that brightness, color balance, alignment, etc. can measured correctly so that proper adjustment feedback can be provided to the projector/video),

a digital data decoding means that detects the change each unit time in the color of part or all of the moving image sensed by said light sensing means and decodes and generates the digital data (col. 11, ll. 23-26),

means for displaying said moving image on the display of said light sensing means (cameras have on-board view screens or viewfinders that provide the image to user and the motivation to have an on-board view screens or viewfinder would be to insure that the camera is properly aligned or located to so that brightness, color balance, alignment, etc. can measured correctly so that proper adjustment feedback can be provided to the projector/video),

Art Unit: 2623

wherein said means for displaying said moving image on said display of said light sensing means is dependent on said digital data that is generated and decoded from said digital data decoding means. Chaum teaches that the feedback system can be used to give the projector an adjustment signal to correct for over brightness or a similar problem (col. 11, 29-33).

It would have been obvious to one of ordinary skill in the art to use have on-board view screens or viewfinders in the system of Chaum to insure that the camera is properly aligned or located to so that brightness, color balance, alignment, etc. can measured correctly so that proper adjustment feedback can be provided to the projector/video.

Claims 5, 7 and 11 merely recite broader limitations of claim 9 above and analogous remarks apply.

As per claims 6, 8, 10 and 12, Chaum teaches:

wherein the color change at least on of the elements hue, brightness and chroma changes. (col. 11, ll. 28-30).

As per claim 14, Chaum teaches:

the step of displaying said moving image on said display of said light sensing means;

It is well-known that cameras have on-board view screens or viewfinders that provide the image to user and the motivation to have an on-board view screens or viewfinder would be to insure that the camera is properly aligned or located to so that brightness, color balance, alignment, etc. can measured correctly so that proper adjustment feedback can be provided to the projector/video

As per claim 15, Chaum teaches:

Art Unit: 2623

the step of removing said moving image from said display means after displaying said moving image on said display of said light sensing means. It would have been obvious to one of ordinary skill in the art to remove the moving image to provide new "moving" images with further information to be decoded.

As per claim 16, Chaum teaches:

wherein said moving image is displayed on the display of said light sensing means after said light sensing means senses a part or all of the moving image displayed on said display means (col. 11, ll. 6-12, audiovideo camera "watches" the output of the video source).

As per claim 17, it recites substantially the same limitations as claim 15 above and analogous remarks apply.

As per claims 19 and 20, they recite substantially the same limitations as claims 16 and 17 above and analogous remarks apply.

As per claim 18, Chaum teaches:

wherein light sensing means is a portable communication terminal (figures 4, computer analysis system) including storage means for storing one or more images displayed on said light sensing means display. It would have been obvious to one of ordinary skill in the art to use the memory associated with the processor of Chaum as shown in Figure 4 to store images for later recall.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following U.S. patent(s) refer(s) to interactive gaming systems: Schaaaj, 6056640.

Art Unit: 2623

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Miller whose telephone number is (703) 306-9134. The examiner can normally be reached on Monday-Friday, 9am-5pm until December 29, 2003. After that date call Amelia Au at (703) 308-6604.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

mem

A handwritten signature in black ink, appearing to read "Martin Miller". The signature is written in a cursive, flowing style.